

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, MARCH 15, 2005
ABLONDI ROOM**

Attendance: Christopher C. Ross, Chairman; Katherine E. Murphy, Vice-Chairperson; Charles J. Sisitsky, Clerk; Dr. Esther A. H. Hopkins, Member; A. Ginger Esty, Member

Staff: George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager

The Chairman called the meeting to order at 6:30 PM and noted that the Board would be moving into Executive Session for the purposes of litigation.

MOVED: To move into Executive Session for the purposes of discussing litigation and to return to open session at or about 7:00 PM.

Motion: Dr. Hopkins

Second: Mr. Sisitsky

VOTE: 5 – 0 (roll call vote)

Upon returning from Executive Session.

The Chairman called the meeting to order and reviewed the agenda.

Consideration of various licenses for Dakshin (672 Waverly Street)

Mr. Peter Barbieri was present to represent Dakshin, gave a history of the facility, noting that the facility had been a restaurant for years. The applications were for new licenses as the previous business had closed over a year prior. He noted that the licenses were the same with one modification, namely the lower level. Campagna had not used the downstairs basement for serving alcohol, but the Union House had done so previously, and Dakshin was looking to restore this use. The building department acknowledged that the maximum occupancy for downstairs would be 49, and the restaurant would be for both vegetarian and non-vegetarian Indian cuisine. He acknowledged that all conditions provided by the Board of Health would be met prior to beginning operations, and all conditions provided by the DPW, including compliance with the requirement for an external grease trap would be met within six months.

The manager of the restaurant, Mr. Rajan Viswanathan, gave the Board the background of his idea and concept for the restaurant, and noted that they wanted to use the downstairs area as a function room.

Mr. Sisitsky questioned the status of taxes owed on the property, and Mr. Barbieri confirmed that a tax payment agreement was in place for the property-owner. Mr. Sisitsky questioned whether the Board could issue a license to a business operating at a location where taxes were owed relative to the Town by-laws. Mr. King responded that the tax agreement would suffice to allow the Board to issue a license.

Mr. Sisitsky questioned the location of one of the listed owners. Mr. Barbieri explained that the individual in question was the manager's son who presently lived in India, but would be moving to Framingham in 25 days. Mr. Sisitsky questioned the hours of operation, specifically whether existing policy allowed a restaurant to be open beyond 12

midnight on Sunday evenings. Mr. King confirmed for him that the existing policy did not prohibit such hours.

Mr. James Childress, the assistant manager, noted that he would soon register with the Police Department, as would Mr. Viswanathan's son when he arrived in the United States. His son would not focus on alcohol serving, but he would be trained in case he needed to take over. Once occupancy had been granted, they would begin hiring staff, and all servers would, in accordance with law, would be already TIPS certified.

Dr. Hopkins asked about what provisions would be made for the conditions of the BOH and the DPW, and handicap accessibility. Mr. Ottaviani described when the compliance would be met, and the steps he was taking to ensure compliance. Because there were no major renovations taking place, the facility did not trigger ADA requirements.

MOVED: To approve the applications as submitted subject to all of the conditions enumerated by the various departments submitting reports.

Motion: Mr. Sisitsky

Second: Dr. Hopkins

VOTE: 5 – 0

The Board clarified for Mr. Barbieri that the six-month period for compliance would begin when the license to operate was received.

Consideration of a request for closing a portion of Hemenway Road for the spotted salamander migration

Mr. Sisitsky noted that only one section would be blocked off, namely the one-way section between Catherine Road and Eisenhower. Mr. King clarified for Dr. Hopkins that this had been done in the past.

MOVED: To close the portion of Hemenway Road on a temporary basis as requested.

Motion: Mr. Sisitsky

Second: Ms. Murphy

VOTE: 5 – 0

MOVED: To adjourn.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Respectfully submitted,

Charles J. Sisitsky, Clerk